

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

THELEN, INC. and THELEN, INC.
FLEXIBLE BENEFITS PLAN,

Plaintiffs,

Case No. 13-11833
Honorable Thomas L. Ludington

v.

BLUE CROSS AND BLUE SHIELD
OF MICHIGAN

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO STAY PROCEEDINGS

The legal issues in this case are similar, if not identical, to those recently litigated in *Hi-Lex Controls, Inc. v. Blue Cross Blue Shield of Mich.*, No. 11-CV-12557 (E.D. Mich. 2013) (Roberts, J.). In that case, Defendant has filed a notice of appeal concerning the judgment issued against it on May 23, 2013. *See* ECF Nos. 245, 250. A ruling on that appeal may govern the outcome of the instant case. The Court will therefore stay this case until the appeal in *Hi-Lex* is decided. Defendant shall notify the Court when the court of appeals issues its decision.

Accordingly, it is **ORDERED** that Defendant's motion to stay, ECF No. 9, is **GRANTED**.

It is further **ORDERED** that this case is **STAYED** until such time as the Sixth Circuit Court of Appeals issues its ruling in *Hi-Lex*.

Dated: June 14, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 14, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS